

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 03 - 296 -A
)	
v.	)	Count 1: 18 USC § 371
	)	Conspiracy
RANDALL TODD ROYER,)	
(Counts 1-5, 7, 10-11, 21, 23-27)	)	Count 2: 18 USC § 2384
	)	Conspiracy to Levy War Against the U.S.
MASOUD AHMAD KHAN)	
(Counts 1-5, 8, 10-11, 24-27, 32)	)	Count 3: 18 USC § 2339B Conspiracy to
	)	Provide Material Support to Al-Qaeda
IBRAHIM AHMED AL-HAMDI)	
(Counts 1, 5, 8, 11, 19-20, 29)	)	Count 4: 50 USC § 1705 Conspiracy to
	)	Contribute Services to the Taliban
SEIFULLAH CHAPMAN)	
(Counts 1, 5, 8-9, 11, 15, 19-22, 24-28)	)	Count 5: 18 USC § 2339A Conspiracy to
	)	Contribute Material Support to Lashkar-e-
HAMMAD ABDUR-RAHEEM	)	Taiba
(Counts 1, 5, 8, 10-14, 19, 24-27, 31))	
	)	Count 6: 50 USC § 1705 Supplying
CALIPH BASHA IBN ABDUR-RAHEEM	)	Services to the Taliban
(Counts 1, 11, 13, 21, 30))	
	)	Counts 7-10: 18 USC § 960
SABRI BENKHALA	)	Commencing an
(Counts 6, 16-17)	)	Expedition Against a Friendly Nation
)	
	)	Count 11: 18 USC § 924(o)
	)	Conspiracy to Possess and Use Firearms
	)	in Connection with a Crime of Violence
)	
	)	Counts 12-14: 18 USC § 924(b) Receipt
	)	of Firearm or Ammunition with Cause to
	)	Believe a Felony will be Committed
	)	Therewith
)	
	)	Counts 15-16: 18 USC § 1001(a)
	)	False Official Statements
)	
	)	Counts 17-32: 18 USC § 924(c) Using
	)	Firearm in Connection with a Crime of
	)	Violence

Forfeiture

SUPERSEDING INDICTMENT

September 2003 Term - At Alexandria

General Allegations

THE GRAND JURY CHARGES THAT:

1. As used in this superseding Indictment:

- a. “*Jihad*” describes a religious obligation of Muslims to struggle or strive for the defense of and advancement of Islam.
- b. “*Mujahideen*” describes warriors engaged in violent *jihad*.
- c. “*Shaheed*” describes *mujahideen* who have earned a place in paradise through death in the course of violent *jihad*.

2. The *Taliban*, at all times relevant to this Superseding Indictment until early 2002, was the political/military entity headquartered in Kandahar, Afghanistan, that exercised de facto control over the territory of Afghanistan until its defeat in late 2001 and early 2002 by a multi-national coalition that included the United States.

3. *Al-Qaeda*, at all times relevant to this Superseding Indictment, was an international terrorist group founded by Usama Bin Laden and others, dedicated to opposing the United States and many other governments with force and violence. Bin Laden declared a violent *jihad* against the United States and its citizens, which he carried out through *Al-Qaeda* and its affiliated organizations. Beginning in or about 1996, Bin Laden and others operated *Al-Qaeda* from Afghanistan, and forged close relations with the *Taliban*.

4. *Kashmir* is a territory in the Indian subcontinent. Upon independence from the United Kingdom in 1947, the Indian subcontinent was divided into two states, India and

Pakistan. After India and Pakistan fought their first war against each other in 1948, two-thirds of Kashmir ended up in India, and one-third in Pakistan. Although India is home to more than 100,000,000 Muslims, Kashmir is the only state in India with a Muslim majority.

5. *Markaz Dawa Wa'al Irshad*, roughly translated as "Center for Invitation [to Islam] and Instructions," was founded in or about 1986 to organize Pakistani *mujahideen* participating in the violent *jihad* against the Russians in Afghanistan. As it expanded, education and *jihad* sections were separated. Consequently, a military wing of the *Markaz Dawa Wa'al Irshad* was established by Hafiz Mohammed Saeed in the name of *Lashkar-e-Taiba*, also known as *Lashker-e-Taiba*, *Lashkar-e-Toyeba*, *Lashkar -e-Toiba*, *Lashkar e-Tayyiba*, and *Lashkar-I-Taiba* (abbreviated herein where appropriate as "LET"). Since the Russians left Afghanistan, the primary - - but not exclusive - - focus of *Markaz Dawa Wa'al Irshad* and *Lashkar-e-Taiba* has been on conducting violent *jihad* against the Government of India.

6. *Lashkar-e-Taiba* - - translated as "the Army of the Pure" or "the Army of the Righteous" - - claims to have trained thousands of *mujahideen* to fight in areas including Afghanistan, Kashmir, Bosnia, Chechnya, Kosovo, and the Philippines. *Lashkar-e-Taiba* claims to have four camps for training *mujahideen* from around the world, including camps known as Taiba, Aqsa, Um-al-Qur'a, and Abdullah bin Masud.

7. On July 4, 1999, President Clinton declared a national emergency to deal with the threat posed by *Al-Qaeda* and the *Taliban*. Specifically, the President found that:

[T]he actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

In Executive Order 13129, President Clinton prohibited, among other things, United States persons from making or receiving any contribution of funds, goods, or services to or for the benefit of the *Taliban*.

8. On October 9, 1999, the United States designated *Al-Qaeda* a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, and redesignated it as such on or about October 5, 2001. In addition, at all times material to this Superseding Indictment, the making of any contribution of funds, goods, or services to *Al-Qaeda* by United States persons was prohibited pursuant to Presidential Orders and regulations issued under the International Emergency Economic Powers Act.

9. In November 1999, *Lashkar-e-Taiba* sponsored an international *mujahideen* conference. The highlights of the first day of the conference, as cited on *Lashkar-e-Taiba*'s website, www.dawacenter.com, included a 40-foot-long banner portraying *Lashkar-e-Taiba*'s dagger penetrating the national flags of the United States, Russia, the United Kingdom, India, and Israel. According to the website, Hafiz Mohammed Saeed included the following in his speech to *mujahideen* from around the world gathered at the conference:

As the Prophet (Pbuh) said that Allah has placed his sustenance under the shadow of his sword. If *Jihad* is abolished, the infidels would snatch on us the same way a hungry person snatches on food. The *mujahideen* of *Lashker-e-Taiba* have continued the *Jihad* despite of all the negative propaganda against them . . . Today, people, more then ever, are prepared for *Jihad*. They are not afraid of any constraints. If India can brutally invade Kashmir then why can't the *mujahideen* confront her there. The *Jihad* is not about Kashmir only. It encompasses all of India including Junagarh, Mavadar, and Hyderabad, etc. . . .

About 15 years ago, people might have found it ridiculous if someone had told them about the disintegration of the USSR. Today, I announce the break-up of India, insha-Allah. We will not rest until the whole India is dissolved into Pakistan... May Allah

bestow martyrdom on us and enter us into the higher ranks of Paradise by His mercy.

10. On April 23, 2000, in a “Taiba Bulletin” posted on the internet, *Lashkar-e-Taiba* claimed it recently killed Indian soldiers in the Kupawara district of Indian Kashmir, including those in a bus convoy passing over a bridge under which *Lashkar-e-Taiba* mujahideen detonated a mine. The Taiba Bulletin also boasted that *Lashkar-e-Taiba* mujahideen used shoulder-launched rockets to destroy an Indian government building in the Kupawara district of Kashmir.

11. On June 30, 2000, the national emergency with respect to the *Taliban* was continued. One year later, the national emergency was again continued, pursuant to a finding by President Bush that “[t]he Taliban continues to allow territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Laden and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals.”

12. In April 2001, in a “Taiba Bulletin” posted on the internet, *Lashker-e-Taiba* claimed that over 14,000 Indian soldiers were killed and that 1,000 *mujahideen* from *Lashker-e-Taiba* died in fighting violent *jihad* in Kashmir.

13. Between 1996 and December 2001, media outlets reported that *Lashkar-e-Taiba* was blamed for numerous massacres of hundreds of civilians in separate incidents in Kashmir, as well as an attack in December 2000 on New Delhi’s historic Red Fort, a landmark structure that houses both soldiers and civilians and draws thousands of tourists every day.

14. On September 11, 2001, in a coordinated attack against the United States, terrorists affiliated with *Al-Qaeda* hijacked four commercial airplanes. They flew two of the planes into the World Trade Center towers in Manhattan, and one into the Pentagon in Virginia.

The fourth plane crashed in Pennsylvania. Thousands of victims were killed or injured, and there was enormous destruction of property.

15. By September 13, 2001, newspapers reported that the Bush administration won NATO support for a possible strike against Usama bin Laden and his supporters in Afghanistan, and was pressuring Pakistan for intelligence and logistical backing. That same day, newspapers further reported that the *Taliban* was bracing for an imminent attack by the United States and sent its top leader Mullah Mohammad Omar into hiding.

16. In response to the September 11, 2001, attacks, the United States demanded that the *Taliban* turn over Bin Laden. After the *Taliban* refused those demands, the United States and allied forces entered Afghanistan and engaged the *Taliban* in combat to prevent it from allowing *Al-Qaeda* to use Afghanistan as a base for terrorist acts against the United States and around the world.

17. American troops started the ground war against the *Taliban* on or about October 20, 2001. On or about October 21, 2001, American commandos seized an airfield in southern Afghanistan and then raided a compound of *Taliban* leader Mullah Mohammed Omar. On or about November 10, 2001, the *Taliban* lost the key city of Mazar-e-Sharif, and the northern provincial capitals of Shibarghan, Aybak, and Maimana. By November 11, 2001, the *Taliban* was being routed through northern Afghanistan. On or about November 13, 2001, the *Taliban* withdrew from the Afghan capital of Kabul and Northern Alliance forces allied with the United States took control of the city. By November 15, *Taliban* forces had retreated to Kandahar.

18. On December 24, 2001, the United States designated *Lashkar-e-Taiba* a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act. Since that time, *Lashkar-e-Taiba* has changed its name to Jamaat-ud Dawa, or “Society of the Call.”

COUNT 1

Conspiracy

THE GRAND JURY FURTHER CHARGES THAT:

The Grand Jury realleges and incorporates by reference the General Allegations listed in this Superseding Indictment.

Objects of the Conspiracy

Beginning in or about February 2000 and continuing thereafter up to the present date, within Fairfax County in the Eastern District of Virginia and elsewhere, the defendants, RANDALL TODD ROYER, also known as “Ismail” Royer, MASOUD AHMAD KHAN, IBRAHIM AHMED AL-HAMDI, SEIFULLAH CHAPMAN, also known as Randall Blue Chapman, HAMMAD ABDUR-RAHEEM, and CALIPH BASHA IBN ABDUR-RAHEEM, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree together and with others known and unknown to the grand jury, to commit the following offenses against the United States:

1. Within the United States, to unlawfully, knowingly, and intentionally begin, provide for, prepare a means for, and take part in military expeditions and enterprises to be carried on from the United States against the territory and dominion of foreign states, districts and peoples with whom the United States was at peace, in violation of Title 18, United States Code, Section 960;

2. Within the United States, to unlawfully, knowingly, and intentionally enlist and engage with intent to serve in armed hostility against the United States, in violation of Title 18, United States Code, Section 2390;

3. To unlawfully, knowingly, and intentionally receive firearms and ammunition in interstate commerce with knowledge and reasonable cause to believe that felony offenses were to be committed therewith, in violation of Title 18, United States Code, Section 924(b);

4. To unlawfully, knowingly, and intentionally travel from foreign countries and states outside of Virginia into Virginia and acquire and transfer firearms in Virginia in furtherance of an intent to engage in conduct that constitutes a violation of Title 18, United States Code, Section 960, a crime of violence as defined in Title 18, United States Code, Section 924(c)(3), in violation of Title 18, United States Code, Section 924(g); and

5. To unlawfully, knowingly, and intentionally transfer firearms, knowing that such firearms would be used to provide for and prepare a means for military expeditions and enterprises to be carried on from the United States against the territory and dominion of foreign states, districts and peoples with whom the United States was at peace, which conduct constitutes a violation of Title 18, United States Code, Section 960, and a crime of violence as defined in Title 18, United States Code, Section 924(c)(3), in violation of Title 18, United States Code, Section 924(h).

Ways, Manner and Means to Accomplish the Conspiracy

The purposes of the conspiracy were to prepare for and engage in violent *jihad* on behalf of Muslims in Kashmir, Chechnya, and other countries and territories, against countries, governments, military forces, and peoples that the defendants and their conspirators believed to

be the enemies of Islam. The ways, manner and means by which these purposes were carried out included the following:

1. It was part of the conspiracy that the defendants and their conspirators prepared to become *mujahideen* and die “*shaheed*” -- that is, as martyrs in furtherance of violent *jihad*.

2. It was further part of the conspiracy that certain of the defendants and their conspirators determined which nations and peoples were the enemies against whom they prepared to engage in violent *jihad*.

3. It was further part of the conspiracy that the defendants and their conspirators agreed to conduct their preparation for violent *jihad* in secrecy and to refuse to disclose any information about their activities if asked by law enforcement.

4. It was further part of the conspiracy that the defendants and their conspirators obtained AK-47-style rifles and similar weapons to develop familiarity and skills with the weapons of choice used by *mujahideen* in Bosnia, Chechnya, Kashmir, and elsewhere around the world.

5. It was further part of the conspiracy that the defendants and their conspirators practiced marksmanship with AK-47-style rifles and similar weapons at firing ranges operated by private parties or the United States military.

6. It was further part of the conspiracy that HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEM and certain of the defendants and their conspirators received ammunition and firearms accessories that they purchased in interstate commerce.

7. It was further part of the conspiracy that the defendants and their conspirators practiced small-unit military tactics on private property near Fredericksburg, Virginia.

8. It was further part of the conspiracy that the defendants and their conspirators used paint-ball weapons and equipment to practice small-unit military tactics and simulate actual combat in preparation for violent *jihad*.

9. It was further part of the conspiracy that Donald Thomas Surratt, HAMMAD ABDUR-RAHEEM and SEIFULLAH CHAPMAN instructed conspirators in military tactics based upon their training and experience in the United States military.

10. It was further part of the conspiracy that the defendants and their conspirators gathered in private homes and in the Dar al Arqam Islamic Center in Falls Church, Virginia, to hear lectures on the righteousness of violent *jihad* in Kashmir, Chechnya, and other places around the world, and to watch videotapes of *mujahideen* engaged in violent *jihad* in such locations.

11. It was further part of the conspiracy that RANDALL TODD ROYER and IBRAHIM AHMED AL-HAMDI recruited conspirators for service with the *Lashkar-e-Taiba*.

12. It was further part of the conspiracy that RANDALL TODD ROYER made telephone calls to introduce and sponsor defendants and conspirators for service with *Lashkar-e-Taiba*.

13. It was further part of the conspiracy that the defendants and their conspirators used aliases or “Abu names” in their communications with *Lashkar-e-Taiba* so that they would not have to use their real names. For example, IBRAHIM AHMED AL-HAMDI used the name “Abu Harith,” RANDALL TODD ROYER used the name “Abu Fatima” and “Abu Hamza,” MASOUD AHMAD KHAN used the name “Abu Ibrahim,” Muhammed Aatique used the name

“Abu Omar,” Khwaja Mahmood Hasan used the name “Abu Qatama,” and Yong Ki Kwon used the name “Abu Ubaydah.”

14. It was further part of the conspiracy that certain of the defendants and their conspirators traveled to *Lashkar-e-Taiba* camps in northeast Pakistan (hereinafter “*Lashkar-e-Taiba* camps”) to obtain military training to enable them to engage in violent *ji*had against other countries and die *shaheed*.

15. It was further part of the conspiracy that certain of the defendants and their conspirators trained in the use of various weapons, including small arms, machine guns, and grenade launchers, while serving in *Lashkar-e-Taiba* camps in Pakistan.

16. It was further part of the conspiracy that, while serving in *Lashkar-e-Taiba* camps in Pakistan, RANDALL TODD ROYER and IBRAHIM AHMED AL-HAMDI fired at Indian positions in Kashmir.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the defendants and their conspirators committed overt acts in the Eastern District of Virginia, and elsewhere, including but not limited to the following:

1. On or about February 23, 2000, RANDALL TODD ROYER traveled to the Pakistani Embassy in Washington, D.C., to obtain a visa to enter Pakistan.
2. On or about February 23, 2000, in Washington, D.C., RANDALL TODD ROYER falsely stated in a visa application that the purpose of his upcoming visit to Pakistan was “tourism.”

3. On or about March 3, 2000, HAMMAD ABDUR-RAHEEM (hereinafter “HAMMAD ABDUR-RAHEEM” or “HAMMAD”) purchased a Romarm Romak-3 AK-47-style semi-automatic rifle in Leesburg, Virginia.

4. On or about March 9, 2000, CALIPH BASHA IBN ABDUR-RAHEEM (hereinafter “CALIPH BASHA IBN ABDUR-RAHEEM” or “CALIPH BASHA”) trained with firearms at a firing range in Fairfax, Virginia.

5. On or about April 10, 2000, RANDALL TODD ROYER entered Pakistan to serve with the *Lashkar-e-Taiba* at an LET camp in Pakistan.

6. On or about April 20, 2000, in Lahore, Pakistan, RANDALL TODD ROYER set up an internet-based newsletter for *Lashkar-e-Taiba*.

7. In or about May 2000, RANDALL TODD ROYER visited a graveyard for non-Pakistani *mujahideen*, who died *shaheed* while fighting Indians in Kashmir with *Lashkar-e-Taiba*.

8. In or about early May 2000, RANDALL TODD ROYER fired at Indian positions in Kashmir.

9. On or about May 3, 2000, RANDALL TODD ROYER departed Pakistan to return to the United States.

10. In or about June 2000, at a dinner at the home of IBRAHIM AHMED AL-HAMDI, RANDALL TODD ROYER described to HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, Yong Ki Kwon, and others, his experience serving with the *Lashkar-e-Taiba* in Pakistan.

11. In or about June 2000, at the dinner at the home of IBRAHIM AHMED AL-HAMDI, Unindicted Conspirator #1 instructed RANDALL ROYER, HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, Yong Ki Kwon, and others not to discuss elsewhere what RANDALL TODD ROYER said regarding his experiences with the *Lashkar-e-Taiba* in Pakistan.

12. On or about July 24, 2000, HAMMAD ABDUR-RAHEEM purchased 440 rounds of ammunition for an AK-47-style semi-automatic rifle, delivered by UPS from a vendor in Kentucky.

13. On or about August 18, 2000, IBRAHIM AHMED AL-HAMDI falsely stated on an application for a visa to enter Pakistan that the purpose of his trip to Pakistan was tourism.

14. On or about August 20, 2000, MASOUD AHMAD KHAN and Yong Ki Kwon drove IBRAHIM AHMED AL-HAMDI from Alexandria, Virginia, to Washington Dulles International Airport so that AL-HAMDI could depart for Pakistan to engage in violent *jihād* and die *shaheed*.

15. In or about August 2000, IBRAHIM AHMED AL-HAMDI commenced service with *Lashkar-e-Taiba* at an LET camp in Pakistan.

16. In or about September 2000, IBRAHIM AHMED AL-HAMDI, at a *Lashkar-e-Taiba* camp in Pakistan, fired a machine gun.

17. In or about September 2000, IBRAHIM AHMED AL-HAMDI fired at Indian positions in Kashmir.

18. On or about September 17, 2000, RANDALL TODD ROYER purchased an AK-47-style semi-automatic rifle from Yong Ki Kwon in the presence of SEIFULLAH CHAPMAN and HAMMAD ABDUR-RAHEEM.

19. On or about September 25, 2000, IBRAHIM AHMED AL-HAMDI departed Pakistan to return to the United States.

20. On or about October 13, 2000, HAMMAD ABDUR-RAHEEM and CALIPH BASHA IBN ABDUR-RAHEEM purchased 500 rounds of hollow point ammunition for an AK-47-style semi-automatic rifle for delivery by UPS from a vendor in Kentucky.

21. On or about December 18, 2000, SEIFULLAH CHAPMAN sold a Russian-made Saiga .308 sniper rifle to IBRAHIM AHMED AL-HAMDI, a non-immigrant alien ineligible to purchase or possess a firearm.

22. On or about January 23, 2001, HAMMAD ABDUR-RAHEEM and CALIPH BASHA IBN ABDUR-RAHEEM purchased 1000 rounds of 7.62 mm ammunition for an AK-47-style semi-automatic rifle for delivery by UPS from a vendor in Kentucky.

23. On or about January 24, 2001, CALIPH BASHA IBN ABDUR-RAHEEM possessed 400 rounds of 7.62 mm ammunition at 2900 John Marshall Drive in Falls Church, Virginia.

24. On or about March 9, 2001, HAMMAD ABDUR-RAHEEM purchased a scope for an AR-15 semi-automatic rifle for delivery by UPS from a vendor in Kentucky.

25. On or about March 11, 2001, HAMMAD ABDUR-RAHEEM, IBRAHIM AHMED AL-HAMDI, and other conspirators practiced military tactics using paint-ball equipment in Spotsylvania County, Virginia.

26. In or about March 2001, in Mecca, Saudi Arabia, RANDALL TODD ROYER introduced Yong Ki Kwon and Donald Thomas Surratt to a representative of the *Lashkar-e-Taiba* for the representative to provide information about *Lashkar-e-Taiba* to Kwon and Surratt.
27. On or about April 5, 2001, at the residence of IBRAHAM AHMED AL-HAMDI in Alexandria, Virginia, a visitor representing the Benevolence International Foundation discussed a *mujahideen* camp in Bosnia with SEIFULLAH CHAPMAN and other conspirators.
28. On or about April 5, 2001, at the residence of IBRAHAM AHMED AL-HAMDI in Alexandria, Virginia, SEIFULLAH CHAPMAN and other conspirators watched videos depicting *mujahideen* engaged in violent *jihad*.
29. On or about April 15, 2001, SEIFULLAH CHAPMAN and other conspirators practiced military tactics using paint-ball equipment in Spotsylvania County, Virginia.
30. In or about early 2001, SEIFULLAH CHAPMAN gave an AK-47-style rifle to Unindicted Conspirator #4.
31. In or about early 2001, CALIPH BASHA IBN ABDUR-RAHEEM received an AK-47-style rifle from Unindicted Conspirator #4 that Unindicted Conspirator #4 had received from SEIFULLAH CHAPMAN.
32. In or about July 2001, SEIFULLAH CHAPMAN traveled from Alexandria, Virginia, to Pakistan to serve with *Lashkar-e-Taiba* in Pakistan.
33. In or about July 2001, Muhammed Aatique told RANDALL TODD ROYER that Aatique wanted to serve with the *Lashkar-e-Taiba* in Pakistan.
34. In or about July 2001, RANDALL TODD ROYER telephoned *Lashkar-e-Taiba* in Pakistan regarding Muhammed Aatique's desire to serve with *Lashkar-e-Taiba* in Pakistan.

35. In or about July 2001, RANDALL TODD ROYER provided Muhammed Aatique a telephone number in Pakistan for Aatique to use to contact *Lashkar-e-Taiba* upon his arrival in Pakistan.

36. In or about August 2001, RANDALL TODD ROYER provided Muhammed Aatique a letter of reference for Aatique to use to gain admission to the *Lashkar-e-Taiba* in Pakistan.

37. In or about early September 2001, Muhammed Aatique arranged to travel to Pakistan to serve with the *Lashkar-e-Taiba*.

38. In or about August 2001, SEIFULLAH CHAPMAN joined the *mujahideen* at a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan.

39. On or about September 11, 2001, Unindicted Conspirator #1 told Yong Ki Kwon to gather those who possessed firearms for a meeting.

40. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon in Fairfax, Virginia, Unindicted Conspirator #1 told RANDALL TODD ROYER, MASOUD AHMAD KHAN, HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, Muhammed Aatique, and Khwaja Mahmood Hasan that the time had come for them to go abroad to join the *mujahideen* engaged in violent *jihad* in Afghanistan.

41. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon in Fairfax, Virginia, Unindicted Conspirator #1 told the conspirators that American troops likely to arrive in Afghanistan would be legitimate targets of the violent *jihad* in which the conspirators had a duty to engage.

42. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon, the conspirators discussed obtaining training from *Lashkar-e-Taiba* in order to engage in violent *jihad* against American troops in Afghanistan.

43. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon in Fairfax, Virginia, Unindicted Conspirator #1 told the conspirators that it was appropriate to join the *Lashkar-e-Taiba* because the group was on the correct path.

44. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon, Unindicted Conspirator #1 told the conspirators that RANDALL TODD ROYER could facilitate their entry into the *Lashkar-e-Taiba* in Pakistan.

45. On or about September 16, 2001, at a meeting at the house of Yong Ki Kwon in Fairfax, Virginia, Unindicted Conspirator #1 told RANDALL TODD ROYER, MASOUD AHMAD KHAN, HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, that the meeting would be a trust, meaning that the meeting must be kept secret, and that anyone breaching such a trust of secrecy would have to answer for his conduct on Judgment Day.

46. On or about September 16, 2001, Yong Ki Kwon, Khwaja Mahmood Hasan, Muhammed Aatique and MASOUD AHMAD KHAN expressed their agreement to join the *Lashkar-e-Taiba* in Pakistan to obtain training that would enable them to engage in violent *jihad* against American troops soon expected to arrive in Afghanistan.

47. On or about September 16, 2001, RANDALL TODD ROYER met with Yong Ki Kwon and Khwaja Mahmood Hasan at a 7-11 store in Virginia.

48. On or about September 16, 2001, using a long distance telephone card purchased at the 7-11 store, RANDALL TODD ROYER provided to his *Lashkar-e-Taiba* contact in Pakistan

the physical descriptions of Yong Ki Kwon, Khwaja Mahmood Hasan, and MASOUD AHMAD KHAN as three individuals who wished to join *Lashkar-e-Taiba*.

49. On or about September 16, 2001, RANDALL TODD ROYER provided Yong Ki Kwon with instructions and a phone number to call when Yong Ki Kwon, Khwaja Mahmood Hasan, and MASOUD AHMAD KHAN arrived in Pakistan.

50. On or about September 16, 2001, MASOUD AHMAD KHAN provided Yong Ki Kwon with an advertisement from Cabela's mail order catalog describing a jacket that KHAN recommended be used while serving among the *mujahideen* with the *Lashkar-e-Taiba* in Pakistan.

51. On or about September 16, 2001, Yong Ki Kwon ordered three jackets from Cabela's for use while serving among the *mujahideen* with the *Lashkar-e-Taiba* in Pakistan, including one each for Kwon, Hasan, and HAMMAD ABDUR-RAHEEM.

52. On or about September 17, 2001, Unindicted Conspirator #1 advised Yong Ki Kwon and Khwaja Mahmood Hasan how to reach the *Lashkar-e-Taiba* camp undetected.

53. On or about September 17, 2001, Yong Ki Kwon and Khwaja Mahmood Hasan traveled to the Pakistani Embassy in Washington, D.C. to apply for visas to travel to Pakistan.

54. On or about September 18, 2001, MASOUD AHMAD KHAN claimed on his Pakistani visa application that the purpose of his trip was "visit."

55. On or about September 18, 2001, Yong Ki Kwon and Khwaja Mahmood Hasan drove MASOUD AHMAD KHAN to Pennsylvania to spend the night at the home of Muhammed Aatique.

56. On or about September 19, 2001, Yong Ki Kwon and Khwaja Mahmood Hasan returned to Virginia to make final preparations for their trip to Pakistan.

57. On or about September 19, 2001, Muhammed Aatique and MASOUD AHMAD KHAN traveled from JFK Airport in New York, to Karachi, Pakistan.

58. On or about September 19, 2001, Yong Ki Kwon gave HAMMAD ABDUR-RAHEEM one of the jackets from Cabela's that Kwon had obtained to wear while serving among the *mujahideen* with the *Lashkar-e-Taiba*.

59. On or about September 20, 2001, Yong Ki Kwon and Khwaja Mahmood Hasan traveled to Dulles Airport to board their flights for Pakistan via New York and Manchester, England.

60. On or about September 20, 2001, Muhammed Aatique and MASOUD AHMAD KHAN arrived in Karachi, Pakistan.

61. On or about September 22, 2001, Yong Ki Kwon and Khwaja Mahmood Hasan arrived in Karachi, Pakistan.

62. On or about September 22, 2001, in Alexandria, Virginia, RANDALL TODD ROYER possessed in his automobile an AK-47-style rifle and 219 rounds of ammunition.

63. In or about late September 2001, RANDALL TODD ROYER and IBRAHIM AHMED AL-HAMDI encouraged HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM and Donald Thomas Surratt to go to Pakistan to get *jihad* training from the *Lashkar-e-Taiba*.

64. In or about late September 2001, Muhammed Aatique traveled to a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan.

65. On or about October 1, 2001, RANDALL TODD ROYER departed the United States for Bosnia as an intermediate stop on his way to Pakistan.

66. In or about early October 2001, Yong Ki Kwon, Khwaja Mahmood Hasan, and MASOUD AHMAD KHAN traveled with a *Lashkar-e-Taiba* operative to a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan.

67. In or about October 2001, at a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan, MASOUD AHMAD KHAN, Muhammed Aatique, Khwaja Mahmood Hasan, and Yong Ki Kwon each fired an AK-47 rifle.

68. In or about October 2001, at a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan, MASOUD AHMAD KHAN, Muhammed Aatique, Khwaja Mahmood Hasan, and Yong Ki Kwon each fired a 12mm antiaircraft gun.

69. In or about October 2001, at a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan, MASOUD AHMAD KHAN, Muhammed Aatique, Khwaja Mahmood Hasan, and Yong Ki Kwon each fired a machine gun.

70. In or about October 2001, at a *Lashkar-e-Taiba* camp near Muzafrabad, Pakistan, MASOUD AHMAD KHAN, Muhammed Aatique, Khwaja Mahmood Hasan, and Yong Ki Kwon each fired a rocket-propelled grenade.

71. On or about October 15, 2001, IBRAHIM AHMED AL-HAMDI organized a meeting at the residence of Unindicted Conspirator #1, attended by Donald Thomas Surratt, HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, and other unindicted conspirators.

72. On or about October 15, 2001, before the meeting started, IBRAHIM AHMED AL-HAMDI encouraged Donald Thomas Surratt, HAMMAD ABDUR-RAHEEM, and CALIPH BASHA IBN ABDUR-RAHEEM to travel to Pakistan to serve with the *Lashkar-e-Taiba*.

73. On or about October 15, 2001, during the meeting, Unindicted Conspirator #1 provided historical examples from Islamic history justifying attacks on civilians.

74. On or about October 15, 2001, during the meeting, Unindicted Conspirator #1 told his listeners that fighting Americans in Afghanistan was a valid violent *jihad* for Muslims.

75. On or about October 15, 2001, during the meeting, Unindicted Conspirator #1 told his listeners that *mujahideen* killed while fighting Americans in Afghanistan would die as martyrs, or *shaheed*.

76. On or about October 15, 2001, during the meeting, Unindicted Conspirator #1 recommended to his listeners that they serve with the *Lashkar-e-Taiba* because its belief system was good and the *Lashkar-e-Taiba* focuses on combat.

77. In or about October 2001, RANDALL TODD ROYER attempted in Bosnia to obtain a visa to enter Pakistan.

78. In or about October 2001, Muhammed Aatique deposited \$700 into RANDALL TODD ROYER's bank account to enable ROYER to travel from Bosnia to Pakistan.

79. On or about October 16, 2001, CALIPH BASHA IBN ABDUR-RAHEEM purchased three 10-round single stack magazines for an AK-47-style semi-automatic rifle, delivered by UPS from a vendor in Kentucky.

80. In or about November 2001, MASOUD AHMAD KHAN, Yong Ki Kwon, Khwaja Mahmood Hasan, and Unindicted Conspirator #2 traveled to a *Lashkar-e-Taiba* office in Lahore, Pakistan.

81. On or about June 10, 2002, in St. Louis, Missouri, RANDALL TODD ROYER made false statements to law enforcement agents regarding the reason he purchased the AK-47-style rifle he possessed on September 22, 2001.

82. On or about July 20, 2002, SEIFULLAH CHAPMAN sold an AK-47-style rifle to Unindicted Conspirator #5 for \$100.

83. On or about December 10, 2002, MASOUD AHMAD KHAN purchased an autopilot module for a radio-controlled model aircraft.

84. On or about February 1, 2003, in a message celebrating the crash of the Space Shuttle Columbia, Unindicted Conspirator #1 advised his followers that the United States was the greatest enemy of Muslims, and that he wished that America would fall and disappear.

85. On or about February 25, 2003, in Annandale, Virginia, IBRAHIM AHMED AL-HAMDI possessed a Russian made Saiga 308-1, .308 caliber rifle with a telescopic sight, and two magazines loaded with .308 caliber ammunition and tracer rounds, as well as documents relating to violent *jihad* and martyrdom operations.

86. On or about March 24, 2003, in Annandale, Virginia, CALIPH BASHA IBN ABDUR-RAHEEM possessed an AK-47-style rifle and approximately 500 rounds of ammunition.

87. On or about April 1, 2003, in Falls Church, Virginia, HAMMAD ABDUR-RAHEEM possessed an AK-47-style rifle.

88. On or about May 8, 2003, in Suitland, Maryland, Donald Thomas Surratt possessed an AK-47-style rifle.

89. On or about May 8, 2003, in Gaithersburg, Maryland, MASOUD AHMAD KHAN possessed an AK-47-style rifle, a document entitled “The Terrorist’s Handbook” containing instructions regarding how to manufacture and use explosives and chemicals as weapons, and a fatwa from Usama bin Laden from October 2001, that declared, in part:

So here is America, Allah has struck it in one of its vital points, so He destroyed her greatest of buildings. And unto Allah is all praise and He has favored us with this blessing.

And here is America filled with terror from its north to its south, from its east to its west. And unto Allah is all praise and He has favored us with this blessing.

90. On or about July 18, 2003, in an airplane traveling from Saudi Arabia to Washington Dulles International Airport, SEIFULLAH CHAPMAN falsely stated to law enforcement agents that he had never been to or seen a *Lashkar-e-Taiba* camp or a violent *jihad* training camp and that he had not done so during his travel to Pakistan in 2001.

91. On or about July 18, 2003, in an airplane traveling from Saudi Arabia to Washington Dulles International Airport, SABRI BENKHALA falsely stated to law enforcement agents that he had never been to Afghanistan, that he had never engaged in any type of military-style training other than ROTC and paint-ball, and that his trip to Pakistan in 1999 had been on the spur of the moment.

(In violation of Title 18, United States Code, Section 371.)

COUNT 2

Conspiracy to Levy War Against the United States

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in Count One of this Superseding Indictment.

2. From in or about September 16, 2001, and continuing thereafter to the present date, in Fairfax County in the Eastern District of Virginia, and elsewhere, defendants RANDALL TODD ROYER and MASOUD KHAN did knowingly conspire with each other and with persons known and unknown to the Grand Jury, to levy war against the Government of the United States and oppose by force the authority thereof. Specifically, the defendants prepared for some of the members of the conspiracy to obtain training from *Lashkar-e-Taiba* in order to enable them later to engage in violent *jihad* against the United States and its allied military personnel serving in Afghanistan after the September 11, 2001 attacks.

The ways, manner and means by which these purposes were carried out included the ways, manners, and means alleged in Count One of this Superseding Indictment, which are here realleged and incorporated by reference here. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the defendants and their conspirators committed overt acts in the Eastern District of Virginia, and elsewhere, including but not limited to the overt acts alleged in Count One of this Superseding Indictment, which are realleged and incorporated by reference here.

(In violation of Title 18, United States Code, Section 2384.)

COUNT 3

Conspiracy to Provide Material Support to *Al-Qaeda*

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in Count One of this Superseding Indictment.

2. From on or about September 16, 2001, and continuing thereafter to the present date, in Fairfax County in the Eastern District of Virginia, and elsewhere, defendants RANDALL TODD ROYER and MASOUD AHMAD KHAN, did unlawfully and knowingly conspire with each other, and persons known and unknown to the Grand Jury to provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a designated foreign terrorist organization, namely Al-Qaeda, an organization designated as a terrorist organization under Section 219 of the Immigration and Nationality Act.

The ways, manner and means by which these purposes were carried out included the ways, manners, and means alleged in Count One of this Superseding Indictment, which are here realleged and incorporated by reference here. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the defendants and their conspirators committed overt acts in the Eastern District of Virginia, and elsewhere, including but not limited to the overt acts alleged in Count One of this Superseding Indictment, which are realleged and incorporated by reference here.

(In violation of Title 18, United States Code, Section 2339B.)

COUNT 4

Conspiracy to Contribute Services to the Taliban

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in Count One of this Superseding Indictment.

2. From on or about September 16, 2001, and continuing thereafter to the present date, in Fairfax County in the Eastern District of Virginia, and elsewhere, defendants RANDALL TODD ROYER and MASOUD AHMAD KHAN did unlawfully, knowingly, and willfully violate and attempt to violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendants did conspire with each other and with others, known and unknown to the grand jury, to willfully and unlawfully supply services to the Taliban, to the territory of Afghanistan controlled by the Taliban, and to persons whose property and interests in property were blocked pursuant to Title 31, Code of Federal Regulations, Section 545.201.

(In violation of Title 50, United States Code, Section 1705(b), and Title 31, Code of Federal Regulations, Sections 545.204, 545.206(b), Executive Order No. 13224, 66 Fed.Reg. 49079 (2001), Executive Order 13129, 64 Fed. Reg. 36759 (1999).)

COUNT 5

Conspiracy to Provide Material Support and Resources to *Lashkar-e-Taiba*

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in Count One of this Superseding Indictment.

2. From in or about February 2000, and continuing thereafter to the present date, in Fairfax County in the Eastern District of Virginia, and elsewhere, defendants RANDALL TODD ROYER, MASOUD KHAN, SEIFULLAH CHAPMAN, IBRAHIM AHMED AL-HAMDI, and HAMMAD ABDUR-RAHEEM, did unlawfully and knowingly conspire with each other and persons known and unknown to the grand jury to provide material support and resources and to conceal and disguise the nature of material support and resources, knowing and intending that they were to be used in preparation for and in carrying out a violation or violations of Title 18, United States Code, Section 956 (conspiracy to kill or injure persons or damage property in a foreign country).

The ways, manner and means by which these purposes were carried out included the ways, manners, and means alleged in Count One of this Superseding Indictment, which are here realleged and incorporated by reference here. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the defendants and their conspirators committed overt acts in the Eastern District of Virginia, and elsewhere, including but not limited to the overt acts alleged in Count One of this Superseding Indictment, which are realleged and incorporated by reference here.

(In violation of Title 18, United States Code, Section 2339A.)

COUNT 6

Supplying Services to the Taliban

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations listed in Count One of this Superseding Indictment.

2. In on or about August 1999, in Afghanistan and outside the jurisdiction of any particular state and district, defendant SABRI BENKHALA being a United States person, did unlawfully, knowingly, and willfully violate a regulation issued under Chapter 35 of Title 50, United States Code, in that defendant did willfully and unlawfully supply and attempt to supply services to the Taliban, to the territory of Afghanistan controlled by the Taliban, and to persons whose property and interests in property were blocked pursuant to Title 31, Code of Federal Regulations, Section 545.201.

3. On or about July 18, 2003, defendant SABRI BENKHALA was first brought to the Eastern District of Virginia.

(In violation of Title 50, United States Code, Section 1705(b), Title 31, Code of Federal Regulations, Sections 545.204, Executive Order No. 13224, 66 Fed.Reg. 49079 (2001), Executive Order 13129, 64 Fed. Reg. 36759 (1999), and Title 18, United States Code, Section 3238.)

COUNT 7

Commencing an Expedition Against a Friendly Nation

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.

2. From on or about February 23, 2000, to on or about May 3, 2000, in Falls Church, in the Eastern District of Virginia, and elsewhere, defendant RANDALL TODD ROYER did unlawfully and knowingly begin, provide for, prepare a means for, and take part in a military expedition and enterprise to be carried on from the United States against the territory and dominion of India, a foreign state with whom the United States was at peace.

(In violation of Title 18, United States Code, Section 960.)

COUNT 8

Commencing an Expedition Against a Friendly Nation

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.
2. From on or about August 2000, to on or about September 26, 2000, in Falls Church, in the Eastern District of Virginia, and elsewhere, defendant IBRAHIM AHMED AL-HAMDI, aided and abetted by defendants HAMMAD ABDUR-RAHEEM, SEIFULLAH CHAPMAN, and MASOUD AHMAD KHAN, did unlawfully and knowingly begin, provide for, prepare a means for, and take part in a military expedition and enterprise to be carried on from the United States against the territory and dominion of India, a foreign state with whom the United States was at peace.

(In violation of Title 18, United States Code, Sections 960 and 2(a).)

COUNT 9

Commencing an Expedition Against a Friendly Nation

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.

2. From in or about August 2001, to in or about September 2001, in the City of Alexandria, in the Eastern District of Virginia, and elsewhere, defendant SEIFULLAH CHAPMAN, also known as Randall Blue Chapman, did unlawfully and knowingly begin, provide for, prepare a means for, and take part in a military expedition and enterprise to be carried on from the United States against the territory and dominion of India, a foreign state with whom the United States was at peace.

(In violation of Title 18, United States Code, Section 960.)

COUNT 10

Commencing an Expedition Against a Friendly Nation

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.

2. From in or about February 2000, to in or about November 2001, in Fairfax and Spotsylvania Counties in the Eastern District of Virginia, and elsewhere, MASOUD AHMAD KHAN, Muhammed Aatique, Yong Ki Kwon and Khwaja Mahmood Hasan, aided and abetted by each other and by RANDALL TODD ROYER, SEIFULLAH CHAPMAN, and HAMMAD ABDUR-RAHEEM, did unlawfully and knowingly begin, provide for, prepare a means for, and take part in a military expedition and enterprise to be carried on from the United States against the territory and dominion of India, a foreign state with whom the United States was at peace.

(In violation of Title 18, United States Code, Sections 960 and 2(a).)

Count 11

Conspiracy to Possess and Use a Firearm in Connection with a Crime of Violence

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations of this Superseding Indictment.

2. From on or about January 2000 and continuing thereafter up to the present date, in Fairfax County in the Eastern District of Virginia and elsewhere, defendants RANDALL TODD ROYER, MASOUD AHMAD KHAN, IBRAHIM AHMED AL-HAMDI, SEIFULLAH CHAPMAN, HAMMAD ABDUR-RAHEEM, and CALIPH BASHA IBN ABDUR-RAHEEM, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together and with others known and unknown to the grand jury, to use, carry, possess and discharge firearms including machine guns and destructive devices under Title 18, United States Code, Section 924(c)(1)(B)(ii), during, in relation to, and in furtherance of crimes of violence for which the defendants may be prosecuted in a court of the United States.

The ways, manner and means by which these purposes were carried out included the ways, manners, and means alleged in Count One of this Superseding Indictment, which are realleged and incorporated by reference here. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the defendants and their conspirators committed overt acts in the Eastern District of Virginia, and elsewhere, including but not limited to the overt acts alleged in Count One of this Superseding Indictment, which are realleged and incorporated by reference here.

(In violation of Title 18, United States Code, Sections 924(o) and (c).)

COUNTS 12-14

Receipt of Firearms With Cause to Believe That a Felony is to be Committed Therewith

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.

2. On or about the following dates, in or around the City of Falls Church in the Eastern District of Virginia, defendants HAMMAD ABDUR-RAHEEM, and CALIPH BASHA IBN ABDUR-RAHEEM, with knowledge and reasonable cause to believe that offenses punishable by imprisonment for a term exceeding one year were to be committed therewith, including the following offenses:

- a. Conspiring to begin, provide for, prepare a means for, and take part in military expeditions and enterprises to be carried on from the United States against the territory and dominion of foreign states, districts and peoples with whom the United States was at peace, in violation of Title 18, United States Code, Sections 371 and 960;
- b. Conspiring to enlist and enter oneself or another to go beyond the jurisdiction of the United States with intent to be enlisted and entered in the service of any foreign prince, state, colony, district, and people as a soldier, in violation of Title 18, United States Code, Sections 371 and 959;
- c. Conspiring to commit at any place outside the United States an act that would constitute the offense of murder or maiming if committed in the special maritime and territorial jurisdiction of the United States, in violation of Title 18, United States Code, Section 956(a);
- d. Conspiring to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, and any railroad, canal, bridge, airport, airfield and other public utility, public conveyance, and public structure and any religious educational and cultural property so situated, in violation of Title 18, United States Code, Section 956(b);
- e. Conspiring to provide material support and resources knowing and intending that they are to be used in preparation for, or in carrying out a violation of Section 956

of Title 18, United States Code, in violation of Title 18, United States Code, Section 2339A; and

- f. Conspiring to provide material support and resources to a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B;

did receive ammunition in interstate commerce, as described below:

<u>Count</u>	<u>Defendants</u>	<u>Date</u>	<u>Ammunition</u>
12	ABDUR-RAHEEM	July 24, 2000	440 7.62x54 Russian full metal jacket rounds
13	ABDUR-RAHEEM CALIPH BASHA	October 13, 2000	500 7.62x39 Russian hollow point rounds
14	ABDUR-RAHEEM CALIPH BASHA	January 23, 2001	1000 7.62x39 Russian hollow point rounds

(In violation of Title 18, United States Code, Sections 924(b) and 2(a).)

COUNT 15

False Official Statements

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.
2. On or about July 17, 2003, in an airplane returning from Saudi Arabia to Washington Dulles Airport in the Eastern District of Virginia and outside the jurisdiction of any particular state and district, defendant SEIFULLAH CHAPMAN did knowingly and willfully make material false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, CHAPMAN falsely stated to law enforcement agents that he had never been to or seen a *Lashkar-e-Taiba* camp or a *jihad* training camp and that he had not done so during his travel to Pakistan in 2001.
3. On or about July 18, 2003, defendant SEIFULLAH CHAPMAN was first brought to the Eastern District of Virginia.

(In violation of Title 18, United States Code, Sections 1001(a)(2) and 3238.)

COUNT 16

False Official Statements

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.

2. On or about July 17, 2003, in an airplane returning from Saudi Arabia to Washington Dulles Airport in the Eastern District of Virginia and outside the jurisdiction of any particular state and district, defendant SABRI BENKHALA did knowingly and willfully make material false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, BENKHALA falsely stated to law enforcement agents that he had never been to Afghanistan, that he had never engaged in any type of military-style training other than ROTC and paint-ball, and that his trip to Pakistan in 1999 had been made on the spur of the moment.

3. On or about July 18, 2003, defendant SABRI BENKHALA was first brought to the Eastern District of Virginia.

(In violation of Title 18, United States Code, Sections 1001(a)(2) and 3238.)

COUNTS 17- 32

Possession and Use of a Firearm in Connection with a Crime of Violence

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations and the overt acts listed in Count One of this Superseding Indictment.
2. On or about the following dates, in Fairfax County in the Eastern District of Virginia and elsewhere as identified below, defendants RANDALL TODD ROYER, MASOUD AHMAD KHAN, IBRAHIM AHMED AL-HAMDI, SEIFULLAH CHAPMAN, HAMMAD ABDUR-RAHEEM, CALIPH BASHA IBN ABDUR-RAHEEM, and SABRI BENKHALA, aiding and abetting each other and Yong Ki Kwon, Khwaja Mahmood Hasan, and Muhammed Aatique, did knowingly use, carry, possess and discharge firearms including automatic rifles, machine guns and destructive devices such as rocket-propelled grenades under Title 18, United States Code, Section 924(c)(1)(B)(ii), as identified below, during, in relation to, and in furtherance of crimes of violence for which the defendants may be prosecuted in a court of the United States, including Counts 1 through 10 of this Superseding Indictment, as described below:

<u>Count</u>	<u>Defendants</u>	<u>Date</u>	<u>Firearm</u>	<u>Location</u>	<u>Possessed, Carried, Used, Discharged</u>
17.	BENKHALA	August 1999	AK-47 automatic rifle Rocket-propelled grenade	Afghanistan	used and discharged
18.	ROYER	April 2000	AK-47 automatic rifle	Pakistan	used and discharged
19.	AL-HAMDI CHAPMAN ABDUR-RAHEEM	September 2000	AK-47 automatic rifle	Pakistan	used and discharged
20.	CHAPMAN AL-HAMDI	Dec 18, 2000	Saiga .308 rifle	Fairfax, VA	possessed
21.	CHAPMAN CALIPH BASHA	June 2001	AK-47-style rifle	Falls Church, VA	possessed
22.	CHAPMAN	September 2001	AK-47 automatic rifle Machine gun Rocket propelled grenade	Pakistan	used and discharged

<u>Count</u>	<u>Defendants</u>	<u>Date</u>	<u>Firearm</u>	<u>Location</u>	<u>Possessed, Used, Discharged</u>
17.	ROYER	Sept 22, 2001	AK-47-style rifle	Alexandria, VA	possessed

17.	KHAN ROYER CHAPMAN ABDUR-RAHEEM	October 2001	AK-47 automatic rifle	Pakistan	used and discharged
17.	KHAN ROYER CHAPMAN ABDUR-RAHEEM	October 2001	12mm antiaircraft gun	Pakistan	used and discharged
18.	KHAN ROYER CHAPMAN ABDUR-RAHEEM	October 2001	machine gun	Pakistan	used and discharged
19.	KHAN ROYER CHAPMAN ABDUR-RAHEEM	October 2001	rocket propelled grenade	Pakistan	used and discharged
20.	CHAPMAN	July 20, 2002	AK-47-style rifle	Fairfax, VA	possessed
21.	AL-HAMDI	Feb 25, 2003	Saiga .308 rifle	Annandale, VA	possessed
22.	CALIPH BASHA	Mar 24, 2003	AK-47 rifle	Arlington, VA	possessed
23.	ABDUR-RAHEEM	Apr 1, 2003	AK-47-style rifle	Falls Church, VA	possessed
24.	KHAN	May 8, 2003	AK-47 rifle	Gaithersburg, MD	possessed

(In violation of Title 18, United States Code, Sections 924(c) and 2(a).)

FORFEITURE

If convicted of any of the violations of Title 18, United States Code, Section 924 of this Superseding Indictment, each defendant so convicted shall forfeit to the United States any firearm involved in such offense(s).

These firearms include, but are not limited to, the following:

<u>Counts)</u>	<u>Defendant</u>	<u>Firearm</u>
1, 11, 23	ROYER	AK-47-style rifle with folding stock and ammunition
1, 11, 29	AL-HAMDI	Saiga .308 rifle with scope
1, 11, 21, 30	CALIPH BASHA	AK-47-style rifle
1, 11, 31	ABDUR-RAHEEM	AK-47-style rifle
1, 11, 32	KHAN	AK-47-style rifle

(Pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461.)

A TRUE BILL:

FOREPERSON

Paul J. McNulty
United States Attorney

By: _____
Kevin V. Di Gregory
Assistant United States Attorney
Acting Chief, Criminal Division

Gordon D. Kromberg
David H. Laufman
Assistant United States Attorneys

John T. Gibbs
Department of Justice Trial Attorney